

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
D E P A R T M E N T O F H E A L T H



Safe and Healthy Lives in Safe and Healthy Communities

BOARD OF MEDICAL LICENSURE AND
DISCIPLINE

No. C01-082

IN THE MATTER OF AUGUSTUS F. MARSELLA, D.O.
LICENSE NUMBER DO 00153

Consent Order

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1999 Reenactment) a complaint was received by the Board of Medical Licensure and Discipline alleging violations of R.I.G.L. §5-37-5.1 of the medical practices act. The complaint was reviewed by an investigating committee which came to the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. The Respondent is a licensed physician practicing medicine in Rhode Island. His primary area of practice is the treatment of obesity.
2. The Respondent was using glass syringes for injections given in his office. The syringes were later sterilized and re-used and the needles were disposed in accordance with Rules and Regulations relating to medical waste.
3. The acceptable standard of care mandates use of disposable needles and syringes.
4. The Respondent's charting of the complainant's patient status did not meet acceptable standards.

CANNON BUILDING, Three Capitol Hill, Providence, Rhode Island 02908-5097

Hearing/Speech Impaired, Call 1-800-745-5555 (TTY)

Web Site: www.health.state.ri.us

The parties agree as follows:

Respondent admits to the jurisdiction of the Board.

(1) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.

(2) Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;

i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(3) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct.

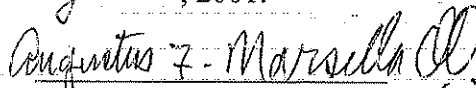
(4) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

(5) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.

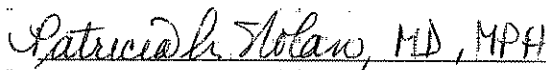
(6) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary surrender action.

(7) The Respondent accepts the sanction of a Reprimand. Further, the Respondent agrees to use disposable needles and syringes and agrees to attend a Continuing Medical Education Course on chart documentation and Center for Disease Control standards for universal precautions.

Signed this 3rd day of July, 2001.


Augustus F. Marsella, D.O.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on July 11, 2001.


Patricia A. Nolan, MD, MPH
Director of Health